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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2100**

Paper No. 26

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In re Application of: David M. Oliver et al.)
Application No. 09/036,236)
Filed: March 6, 1998)
For: SYSTEM FOR MANAGEMENT OF)
TRANSACTIONS ON NETWORKS)

**DECISION ON SECOND
PETITION UNDER 37 CFR §
1.103(a) REQUESTING
SUSPENSION OF ACTION**

This is a decision on the petition under 37 CFR 1.103(a) filed on September 24, 2001 requesting suspension of action for a period of six (6) months in the instant application.

The petition states that applicant has requested a declaration of interference with Patent No. 5,815,665 and is hampered in gathering the necessary evidence due to inaccessibility and/or lack of cooperation of two of the originally named inventors. The fee set forth in 37 C.F.R. §1.117(i) of \$130.00 was paid with this submission.

The relevant sections of M.P.E.P. §709 and of 37 C.F.R. §1.103 which relate to this petition are reproduced below:

M.P.E.P. §709 Suspension of Action

A request that action in an application be delayed will be granted only under the provisions of 37 CFR 1.103, which provides for "Suspension of Action." A petition for suspension of action must be presented as a separate paper accompanied by the petition fee, must request a specific and reasonable period of suspension not greater than six months, and must present good and sufficient reasons why the suspension is necessary.

37 C.F. R. § 1.103 Suspension of action.

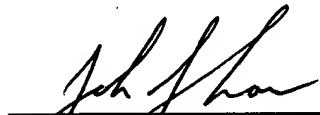
(a) Suspension of action by the Office will be granted for good and sufficient cause and for a reasonable time specified upon petition by the applicant and, if such cause is not the fault of the Office, the payment of the fee set forth in § 1.17(i). Action will not be suspended when a response by the applicant to an Office action is required.

Applicant requested a declaration of interference in the submission filed October 1, 1999. As part of the Final Office action of mail date 7 December 1999, Applicant was advised of the requirement of complying with 37 C.F.R. § 1.608(b). More than 23 months have transpired since the original requirement during which applicant had the opportunity to produce the required showing. In this period no further

substantive action has been taken by either the Office or Applicant in the case. The application has previously been suspended twice for a total period of 9 months.

Accordingly, since there is no showing of good and sufficient cause to further delay prosecution, as required under 37 C.F.R. §1.103(a), the **REQUEST** for **SUSPENSION** is **DENIED**.

The application file is being forwarded to the Examiner of record for appropriate action.



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